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OFFICE OF PETITIONS

In re Application of
John R. Mick, Jr. et al.
Application No. 10/714,680
Filed: November 14, 2003
Attorney Docket No. 5646-118

DECISION GRANTING
PETITION

This is a decision on the petition filed March 17, 2004, requesting that the above-identified application be accorded a filing date of November 14, 2003, rather than the presently accorded date of November 17, 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on November 14, 2003. In support, a copy of Express Mail receipt No. EV193631115US, showing a "date-in" of November 14, 2003, accompanies the petition. Additionally, a copy of the "USPS Track and Confirm" from the USPS internet site, showing Express Mail receipt No. EV193631115US was accepted at the USPS on November 14, 2003, accompanies the petition. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on November 14, 2003.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of November 14, 2003**. Thereafter, the application file will be forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries concerning this matter may be directed to Marianne Jenkins at (571) 272-3223.

Brian Hearn
Senior Petitions Examiner
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for Patent Examination Policy